

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARVIN McELROY,	)	
	)	
Plaintiff(s),	)	No C 08-2936 VRW (PR)
	)	
vs.	)	ORDER OF TRANSFER
	)	
CALIFORNIA DEPARTMENT OF	)	
CORRECTIONS AND	)	
REHABILITATION, et al,	)	
	)	
Defendant(s).	)	

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Plaintiff, a prisoner at Avenal State Prison in Avenal, California, has filed a pro se civil rights complaint under 42 USC § 1983. A substantial part of the events or omissions giving rise to the claim(s) occurred, and the defendants named reside, in the counties of Kings and/or Sacramento, which lie within the venue of the Eastern District of California. See 28 USC § 84(b). Venue therefore properly lies in the Eastern District. See id § 1391(b).

Accordingly, IT IS ORDERED that in the interest of justice and pursuant to 28 USC § 1406(a) this action be TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

  
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VAUGHN R WALKER  
United States District Chief Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARVIN MCELROY,  
Plaintiff,

Case Number: C08-2936 VRW

**CERTIFICATE OF SERVICE**

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS et al,

Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 19, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marvin McElroy C-73869  
Avenal State Prison  
140/114L  
P O Box 8  
Avenal, CA 93204

Dated: June 19, 2008

Richard W. Wieking, Clerk  
By: Cora Klein, Deputy Clerk

*Cora Klein*